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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DARREN CORNELIUS STANLEY,
Petitioner,
vs.
KEVIN CHAPPELL, Acting Warden,
San Quentin State Prison,
Respondent.)
) Case No: C07-4727-EMC
) **DEATH PENALTY CASE**
) **REVISED STIPULATION AND**
~~[PROPOSED] ORDER RE:~~
TRANSFER OF PETITIONER FOR
BRAIN MRI -SCAN TO MARIN
MAGNETIC IMAGING

1 WHEREAS, on July 31, 2012, the Court issued a Stipulation and Order re: Transfer of
2 Petitioner to Marin General Hospital for Brain MRI [Doc. 64]. The transfer could not be
3 completed as anticipated, and the parties subsequently agreed to transfer Petitioner to Marin
4 Magnetic Imaging for the MRI instead. However, prison policy requires that the Court order
5 specify the exact name of the location the prisoner is to be transferred. Accordingly, the
6 parties enter into this revised stipulation, subject to the approval of the Court, that:
7

8 1. Upon the filing of this Order, San Quentin State Prison shall arrange for the
9 transportation of Petitioner to Marin Magnetic Imaging, 1260 South Eliseo Drive, Suite 101,
10 Greenbrae, California, 94904, (415) 461-9033, at a date and time set by mutual convenience
11 to both prison and hospital, but no later than seven (7)-days after the filing of the Order.
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13 2. San Quentin shall not seek reimbursement from Petitioner's counsel for any pre-
14 security clearance visit or site-inspection tour of Marin Magnetic Imaging. Petitioner's
15 counsel agrees to reimburse the prison for its transportation costs. The parties agree that,
16 aside from any pre-security clearance or site-inspection costs, the prison or Respondent shall
17 not bear any of the costs associated with the transfer or the medical testing.
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19 3. Respondent does not object to the issuance of a Transfer Order, provided that
20 Petitioner shall disclose to Respondent a copy of the brain MRI if Petitioner seeks to present
21 expert testimony based upon it in the course of these competency proceedings (Fed. R. Civ.
22 Pro. 26(a)(2)(B)(ii)). Petitioner's counsel shall have ten (10)-days after receipt of the
23 radiologist's report and MRI brain scan to determine whether to provide such evidence to the
24 experts, for their consideration in connection with the determination of Petitioner's
25 competency, and such production shall be considered timely under the Court's Order Setting
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1 Procedures for Competency Examination. (See August 29, 2012 Order at 3 [“Within fifteen
2 days after the entry of the present Order, each party shall provide Drs. Martell and Gregory
3 with any evidence he wishes to be included in the evaluation.”]) [Doc. No. 66].
4

5 4. Marin Magnetic Imaging shall provide a copy of the radiologist’s report and of
6 Petitioner’s brain MRI to Petitioner’s counsel only, and not to San Quentin or its medical
7 staff. Any custom or practice of the facility to furnish copies to San Quentin where the
8 prisoner has been referred for treatment by the chief medical officer shall not apply in this
9 circumstance.
10

11 IT IS SO STIPULATED.
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13 Dated: September ___, 2012

14 By: _____
15 ROGER I. TEICH
DAVID NICKERSON
Attorneys for Petitioner
DARREN CORNELIUS STANLEY
16

17 Dated: September ___, 2012

18 By _____
19 KAMALA D. HARRIS
Attorney General of California
20 ALICE B. LUSTRE
Deputy Attorney General
MICHELE J. SWANSON
Deputy Attorney General
21 Attorneys for Respondent
KEVIN CHAPPELL, Acting Warden
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23 IT IS SO ORDERED.
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Dated: September 20, 2012

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CERTIFICATE OF SERVICE

Case Name: Darren Cornelius Stanley v. Kevin Chappel, No. C07-4727-EMC
Acting Warden

I hereby certify that on September 19, 2012, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system:

**REVISED STIPULATION AND [PROPOSED] ORDER RE: TRANSFER OF
PETITIONER FOR BRAIN MRI-SCAN TO MARIN MAGNETIC IMAGING**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the United States the foregoing is true and correct and that this declaration was executed on September 19, 2012, at San Francisco, California.

Roger I. Teich

Declarant

/s/ Roger I. Teich

Signature